

**WILLIAMSBURG CITY COUNCIL
MINUTES
APRIL 10, 2003**

The Williamsburg City Council held its regular monthly meeting on April 10, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman (arrived at 2:08 p.m.), Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Hudson, Serra, Weiler, Yost, and Walentisch. Assistant City Manager, Jodi Miller, was attending Leadership Historic Triangle.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of March 10, 13, 25, and 27, 2003. The Motion Was Seconded By Mr. Tabb.

Recorded Vote on the Motion:

*Aye: Scruggs, Zeidler, Houghland (with the exception of Minutes of March 10, 2003), Tabb
No: None*

Abstain: Mr. Houghland abstained from approval of the minutes of March 10 because he was absent for the meeting.

(Mr. Haulman had not arrived.)

MATTERS OF SPECIAL PRIVILEGE

Recognition of Battalion Chief Eric Stone, Named "Firefighter of the Year," and Officer Michael Carey, Named "Police Officer of the Year," by the Woman's Club of Williamsburg

Mayor Zeidler said that one month ago, the Woman's Club of Williamsburg honored a police officer and firefighter from each of our jurisdictions. She was not able to be present for that event, and wished to recognize them now. She called Chief Stone to the podium and read the recognition stating the many reasons why he was chosen to receive this honor. Battalion Chief Stone stated his appreciation and thanked City Council and Fire Chief Weiler for the honor.

Mayor Zeidler called Officer Michael Carey to the podium and read the recognition outlining his contributions to the police force and our community. Officer Carey thanked the Woman's Club, City Council, and Chief Yost for this honor.

Mayor Zeidler said she would like to recognize Clerk of Council Shelia Crist for being accepted into the International Institute of Municipal Clerks' Master Municipal Clerk Academy. She read the letter from the IIMC announcing the acceptance. Ms. Crist thanked the Mayor and Council.

Public Hearings

Operating and Capital Budgets for the Fiscal Year Commencing July 1, 2003

Property Tax Rate of \$.54 per \$100 of Assessed Value

Proposed Water Rate of \$2.55 per 1,000 gallons

Cigarette Tax, 25 Cents/Pack of 20

Wireless Telecommunication Service Tax (cellular phones), 10% of the first \$30.00 per month

Reference for this item was the public hearing packet, which included the advertisements for the budget items and proposed ordinances #03-05, #03-06, and #03-07. Mr. Tuttle said that the Clerk of Council had completed all of the required advertising of the public hearing and ordinances.

Mayor Zeidler opened the public hearing.

No one wished to speak. The Mayor closed the public hearing.

Mr. Tuttle confirmed for Mr. Houghland that the budget figures had been amended to reflect the one time tourism contribution to the Colonial Williamsburg Foundation. Mr. Tuttle noted that if there were any changes to the proposed budget, such as revised revenue figures, the budget would be changed before final adoption at the May meeting. No Council action was required at present.

VAC #03-01: Request of Colonial Williamsburg Foundation to Vacate a Portion of Monroe Street, Located on the South Side of Bypass Road Near the Colonial Parkway, Proposed Ordinance #03-09

Reference for this item was Mr. Nester's report dated April 10, 2003, which included a map showing the property to be vacated. Mr. Nester explained that this unimproved right-of-way provides access to three lots and a portion of a fourth, owned by Colonial Williamsburg Foundation and formerly part of the Capitol Heights Subdivision. State Code requires that a public hearing be held on a proposed vacation. After the public hearing, Council could order the property to be viewed, but since the vacation would only affect property owned by CWF, staff recommended that viewers not be appointed. The city's policy is to sell the vacated right-of-way at 25% of its assessed value, or in this case, \$3,625. Staff's recommendation was that Council approve the request, subject to the city receiving the payment from CWF.

Mayor Zeidler opened the public hearing.

No one wished to speak. The Mayor closed the public hearing.

Mr. Houghland Moved That City Council Adopt Proposed Ordinance #03-09, An Ordinance Vacating a Portion of Monroe Street. The Motion Was Seconded by Mr. Tabb.

Mr. Phillips advised Ms. Zeidler that she should abstain from voting, in response to her disclosure that she was an employee of the Colonial Williamsburg Foundation.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Houghland, Tabb

No: None

Abstain: Ms. Zeidler

(SEE ADOPTED ORDINANCE #03-05)

**Request General Assembly to Change City Charter, Filling City Council Vacancies,
Proposed Ordinance #03-08**

Council members received a copy of the advertisement for this public hearing and a copy of the proposed ordinance. At the January meeting, Council asked Mr. Phillips and Mr. Tuttle to coordinate the scheduling of a public hearing on the option of removing the current language from the City Code Charter regarding the system in place for appointment of a Council member when a vacancy occurs.

Mr. Phillips said the ordinance had been prepared and advertised. If Council adopts the ordinance, the request to change the Charter would go to the General Assembly for approval. Currently, Council fills the vacancy of an unexpired term. If the General Assembly approves the proposed Charter change, in the case of a Council vacancy, State Law Section 24-226 and 228 would prevail. Mr. Phillips explained the procedure for election according to the State Law. It is not likely that the General Assembly would turn down Council's request.

Mayor Zeidler opened the public hearing.
No one wished to speak. The public hearing was closed.

Mayor Zeidler said this action was driven by the request of Council because of having to appoint a Council member for almost a full term. The proposed change to the Charter would still require a Council appointment and having an election.

Mr. Phillips said that the filling of a vacancy is a cumbersome process to make work. If Council comes up with a procedure, the General Assembly may not approve if it is too far out of line with the State Code. If State Law prevails, then the procedure would call for a Council appointment for as long as two years, plus 120 days.

Council members concurred they did not like the current method of filling a council vacancy, but the proposed alternative to follow the State's procedure was not much better. Mr. Scruggs said that he was in hopes that citizens will make their opinions known.

Mr. Houghland Moved That City Council Defer the Matter of the Charter Change Until the City Attorney Could Develop Another Option for Council's Consideration. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the motion:
Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb
No: None

REPORTS

Monthly Financial Statement

Mr. Tuttle reviewed the Analysis of Room, Meal, and 1% Sales Tax Receipts for the city, James City County and York County. He noted the analysis was in line with budget projections.

Mr. Tuttle and Mr. Haulman reported on the Investment Committee Meeting. In the future, they will be looking at the investment policy and considering the refinancing of the city's outstanding debt .

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Waller Mill Reservoir: Mr. Tuttle reported that the reservoir was full and running over the dam. This was good news in light of the recent drought, and especially with the summer months with high water usage ahead.

City Manager Reports

Heritage Humane Society Animal Shelter

Reference for this item was Mr. Tuttle's report dated March 31, 2003. Using an overhead map, Mr. Tuttle said the Shelter would like to expand and upgrade their facility, which would require leasing additional property from the city, from 1.5 acres to 3 acres. This would be years off, since the shelter needed to raise funds for the project. The first step would be for the city as owner of the property, to apply to York County for a change in zoning and special use permit. This would also provide an opportunity to direct storm water drainage away from Waller Mill and towards Queens Creek. Agreeing to file for rezoning and a special use permit does not obligate the city, but establishes certain expectations. He reviewed the understandings outlined in his report, which would be conveyed to the Shelter and to both counties. He recommended Council authorize him to apply for the rezoning and special use permit to York County, and that the understandings be conveyed to the shelter and the counties.

Council members discussed the shelter. Mr. Haulman said he would like to review all contributions to the shelter at a later date. The shelter was a very valuable component in the community.

Mr. Haulman Moved that Council Authorize the City Manager to Apply for Rezoning and A Special Use Permit to York County for Expansion of the Heritage Humane Society Animal Shelter, and further that the City Manager Communicate to the Heritage Humane Society, James City County, and York County the Following Understandings:

- 1. That the city's lease of land at nominal cost to HHS for shelter expansion will be the entire contribution of the city to the expansion project.*
- 2. That the city must be fully satisfied with the Stormwater management measures to protect Waller Mill Reservoir prior to entering any long-term lease.*
- 3. That, prior to entering into a long term lease, adequate matching contributions to HHS are provided by York County and James City County for construction and operation of the facility commensurate with the usage of the HHS facility by each county and their residents. The city intends to continue making annual contributions to the facility commensurate with our usage and along the lines of current funding, and expect our neighboring jurisdictions to do likewise.*

The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Courthouse Maintenance Fund—Proposed Resolution #03-06

Reference for this item was Mr. Tuttle's report dated April 3, 2003 and a copy of the proposed resolution. Mr. Tuttle reviewed the information in his report. The funds collected as fees for civil criminal and traffic cases filed in the Courts are placed in an investment account with the Local Government Investment Pool. The funds are to be used for specific

expenses related to the courthouse utilities and maintenance. The Courthouse Superintendent has asked the Board of Supervisors and City Council for up to \$27,000 from the funds to pay for a replacement X-ray machine in the Courthouse lobby. Both city and county staff are recommending to their governing bodies that the request be approved.

The proposed ordinance authorizes the expenditure of no more than \$27,000.

Mr. Haulman Moved that City Council Approve Proposed Resolution #03-06, Courthouse Maintenance Fund, Authorizing the Disbursement of Up to \$27,000 From the Courthouse Maintenance Fund for Replacement of the Courthouse X-Ray Machine. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ADOPTED RESOLUTION #03-06)

Emergency Service Vehicle (Ambulance)—Award of Bid

Reference for this item was Mr. Tuttle's report dated April 3, 2003. Mr. Tuttle explained two bids were received in response to the Invitation for Bid published on March 1, 2003. Staff determined the bid from Fesco Emergency Sales was a responsible bid and they worked with the company to negotiate non-essential equipment from the initial bid, for a revised delivered price for the ambulance to be \$139,325.

Chief Weiler added that this additional ambulance will support an ageing fleet, and will help to meet the mutual aid requirement when an older ambulance is out of service. With the hospital relocating to York County, the need for this additional ambulance is warranted. He noted that the Volunteer Fire Department has offered to cover the cost of the additional equipment for the ambulance, to be added at a later time.

Staff recommended that the City Manager be authorized to award the contract to Fesco subject to the terms of the bid document.

Mr. Tuttle said that when the hospital moves, the cost to the city would increase because of the need for more equipment, personnel, and time. A future fire department site has been identified in the long-range plan for the High Street development.

Council members concurred that this additional ambulance was needed.

Mr. Tabb Moved that City Council Authorize the City Manager to Award a Contract to Fesco Emergency Sales for the Emergency Service Vehicle, Subject to the Specifications, Terms, and Conditions of the Invitation for Bid and Subsequent Negotiations in the Amount of \$139,325. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

2003 Asphalt Overlay Schedule—Award of Bid

Reference for this item was Mr. Tuttle's report dated April 3, 2003. Mr. Tuttle said that this resurfacing is part of the resurfacing project for all of Richmond Road from College Corner to the city limits. He recommended that Council authorize Execution of the contract with

Basic Construction.

Mr. Scruggs Moved that City Council Authorize the City Manager to Execute a Contract with Basic Construction, Inc., for the 2003 Asphalt Overlay Schedule Based on Unit Prices in the Amount of \$285,918.04. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

City Code Supplement #15—Proposed Ordinance #03-10

Reference for this item was Mr. Tuttle's report dated April 3, 2003. Mr. Tuttle said that this ordinance adopts the latest City Code Supplement #15, which identifies all the ordinances adopted by Council in 2002 and have been electronically added to our Code. It was recommended that Council adopt the ordinance.

Mr. Houghland Moved That City Council Adopt Proposed Ordinance #03-10, An Ordinance to Adopt Supplement #15, March 2003, of the Code of the City of Williamsburg. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(SEE ADOPTED ORDINANCE #03-06)

City Attorney Report

Rental Registration and Inspection Program Update

Mr. Phillips reported that the Governor sent this bill back to the General Assembly with a reenactment clause. The General Assembly did not adopt it and did not vote it down by a two-third majority. The bill will go back to the Governor to act within fifteen days. If he does nothing the bill becomes law as is, or he may veto the bill. If the Governor signs the bill with the amendment, it would go back to the General Assembly next year. Mr. Phillips was in hopes the Governor would veto the bill. The city is making plans to go forward with its adopted ordinance, with modifications, if the bill becomes law, in order to make it operative as of July 1. Mr. Tuttle said city staff has prepared a list of rental houses and are being trained .

NEW BUSINESS

Appointments to Boards and Commissions

Council members received a list of upcoming expirations on boards and commissions, prepared by the Clerk of Council.

*Mr. Houghland Moved That City Council Reappoint **Mr. Peter Walentisch** to the Peninsula Disability Services Board for a three year term, to expire March 31, 2006, and*

***Ms. Sue Green and Mr. Peter Walentisch** to the Community Action Agency Board, for a five-year term to expire March 31, 2008, and appoint*

***Judge Thomas B. Hoover**, to the Colonial Community Criminal Justice Board, to fill the unexpired term of Judge Sam Powell.*

The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

OPEN FORUM

Mayor Zeidler opened the comment session.

Mr. Skip Saylor, 107 Powhatan Parkway, Hampton, Virginia, said he was considering retiring in Williamsburg. He was opposed to the ordinance regarding the Rental Housing and Inspection Program. The ordinance would make it more difficult for tenants. He encouraged Council to look at other cities that have tried this program. He has seen its negative side.

Rosalind Revilock-Frost, 720 College Terrace, spoke in support of the Peace Proclamation provided to Council at an earlier date. She encouraged Council members to reconsider signing the proclamation, and offered to change the language if they wished. She encouraged Council to stand up for peace.

Lois Hornsby, 311 Indian Springs Road, addressed Council about the proposed Peace Proclamation. She read some of the "Whereas" clauses from the proclamation and strongly urged Council to consider signing it.

Mayor Zeidler commented that Council was not anticipating adoption of the proclamation because it was not in the purview of City Council.

No one else wished to speak. The session was closed.

The meeting adjourned at 3:22 p.m.

Approved: May 8, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor